

Carlos Hernández
Mayor

Vivian Casáls-Muñoz
Council President

Jose F. Caragol
Council Vice President



Council Members
Katherine Cue-Fuente
Isis Garcia-Martinez
Paul B. Hernández
Lourdes Lozano
Carl Zogby

City Council Agenda May 22, 2018 7:00 P.M.

Call to Order

Roll Call

Invocation given by Lisette Perez, Office Coordinator of the Office of the City Clerk

Pledge of Allegiance to be led by Councilwoman Katharine Cue-Fuente

MEETING GUIDELINES

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

PRESENTATIONS

- Presentation by Mayor Hernandez of a Certificate of Appreciation to the following nine (9) teammates and two (2) coaches of the Hialeah High School Girls Water Polo Team for winning the State Championship. (MAYOR HERNANDEZ)

1. Jennifer Garcia
2. Paola Dominguez-Castro
3. Ashley Luy
4. Natalie Benitez
5. Melanie Hernandez
6. Alejandra Aranguren
7. Jeannet Garcia
8. Claudia Briceño
9. Shannelle Gonzalez
10. Coach Alexander Donis
11. Coach William Harrington

1. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

2. CONSENT AGENDA

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A. Request permission to approve the minutes of the City of Hialeah Council Meeting held on May 8, 2018. (OFFICE OF THE CITY CLERK)
- B. Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order #2018-772, issued to Xtreme FX LLC., to provide services for fireworks and special effects equipment necessary for the Independence Day Celebration, by an additional amount of \$3,000, for a new total cumulative amount not to exceed \$28,000.(COMMUNICATIONS AND SPECIAL EVENTS DEPT.)
- C. Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order #2018-1261, issued to Reflections Productions, Inc., to provide services for equipment necessary for the Independence Day Celebration, by an additional amount of \$51,301, for a new total cumulative amount not to exceed \$70,631.(COMMUNICATIONS AND SPECIAL EVENT DEPT.)

- D.** Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order #2018-156, issued to Power Truck Repair, Inc., to repair leaf springs, king pins and front ends on Fire and Water & Sewer trucks, by an additional amount of \$25,000 for a new total cumulative amount not to exceed \$35,000. (FLEET MAINTENANCE DEPT.)
- E.** Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order #2018-117, issued to Hall-Mark RTC., doing business as REV RTC, Inc., to purchase emergency equipment parts and accessories for City vehicles, by an additional amount of \$25,000 for a new total cumulative amount not to exceed \$75,000.(FLEET MAINTENANCE DEPT.)
- F.** Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order #2018-154, issued to Pat's Pump & Blower, L.L.C., to purchase water pump parts and services for Aquatech sewer cleaner trucks, by an additional amount of \$20,000 for a new total cumulative amount not to exceed \$45,000.(FLEET AND MAINTENANCE DEPT.)
- G.** Request permission to utilize Volusia County Contract, Contract No. 15-P-163TF-*Customer Self-Check*, and issue a purchase order to Bibliotheca, LLC, for the purchase and installation of a new self-checkout system and security gates at John F. Kennedy Memorial Library and five (5) other City of Hialeah branches- Lua Curtis Library, North, Walker, West and Wilde e-libraries, for a total cumulative amount not to exceed \$67,633. (LIBRARY DIV.)
- H.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to American Pavement Corp., vendor providing the lowest quotation, for the restriping of West 4th Avenue- 6th Avenue, between 49-51 Place, in a total cumulative amount not to exceed \$6,780. (STREETS)
- I.** Proposed resolution strongly urging the State Legislature to strengthen the Florida ban on texting while driving law by making it a first offense. (ADMINISTRATION)
- J.** Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a memorandum of understanding with Miami-Dade County and the Miami-Dade Police Department in order to access the Miami-Dade Police Department PI System and related components in the form attached and made a part hereof as Exhibit "1". (POLICE DEPT)
- K.** Proposed resolution approving the American's with Disabilities Transition Plan and Title VI Program Plan as required by the Florida Department of Transportation to ensure safe, efficient and reliable transportation systems as part of the local agency program that are delivered in a nondiscriminatory manner; and providing for an effective date. (LAW DEPT)

- L.** Proposed resolution approving a software as a service agreement between Tyler Technologies, Inc. and the City of Hialeah to provide products and services, including Tyler's proprietary software products, implementation services, maintenance and technical support, and other associated professional services; and further authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City to execute the software as a service agreement between Tyler Technologies, Inc. and the City of Hialeah, Florida, for a term of three years, with an option to renew for an additional two-years term, in the amount of \$320,979.00 for the first year, and \$86,304.00 as a recurring fee for every year thereafter, plus actual travel expenses, in substantial conformity with the agreement attached hereto and made a part hereof as exhibit "1"; and providing for an effective date. (BUILDING DEPT)
- M.** Request permission to utilize National Joint Power Alliance (NJPA), Contract No. 03117-LTS- effective through April 14, 2021, and issue a purchase order to Miracle Recreation Equipment Company, for the purchase and installation of a new shade system for Coston Park, for a total cumulative amount not to exceed \$42,913.35. (PARKS AND RECREATION DEPT.)
- N.** Request permission to enter into a two (2) year agreement with American Sports Federation, LLC., commencing on June 1, 2018 through June 1, 2020 for a softball league and tournaments at Bucky Dent Park. American Sports Federation, LLC, shall be based on the total amount of seasonal base fees received by the City from participants and/or teams in the adult softball program, not including taxes, surcharges, non-resident fees, or deposits imposed by the City in addition to the base fee, or any uncollected amounts as a result of refunds or bad debts. American Sports Federation (ASF) has also agreed to use the concession stands on premises and compensate the city without deduction or set of any kind the sum of five hundred dollars (500.00) per month during the term of this agreement. (PARKS AND RECREATION DEPT.)
- O.** Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order #2018-608, issued to Law Enforcement Psychological and Counseling Associates, Inc., to provide psychological screening services for the hiring of certified police officers, firefighters and the Employee Assistance Program (EAP), by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$40,000. (HUMAN RESOURCE DEPT.)

3. ADMINISTRATIVE ITEMS

- 3A.** Second reading and public hearing of proposed ordinance approving an amendment to the development agreement by and among FDG Countyline, LLC, a Delaware limited liability company, FDG BN Expansion, LLC, a Delaware limited liability company, and the City of Hialeah, Florida, dated March 31, 2014 approved by Hialeah, Fla. Ordinance 2014-18 (March 25, 2014), a copy of the amendment in substantial form is attached hereto and made a part hereof as Exhibit "1", providing for changes in the improvements to the city park to be permitted and constructed by the developer in exchange for the payment of \$500,000.00 by the City to the developer upon conveyance, approving the form of deed, manner of conveyance and restrictions upon the land, providing for changes to the configuration of the roadways to be built and dedicated by developer, defining the location

of the easements reserved by developer on the city park and providing for developer's obligations for conduct within the easement, among other things. property comprising approximately 504 acres within an area bounded on the west by NW 107 Avenue, on the north by NW 170 Street, on the east by NW 97 Avenue and on the South by NW 154 Street; all located in Hialeah, Florida. Property having a land use classification of industrial and located within the BDH Business Development zoning district. Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)

POSTPONED UNTIL MAY 22, 2018.

- 3B.** Second reading and public hearing of proposed ordinance relating to the construction and funding of roadway improvements in the N.W. 142nd Street assessment area; determining that certain real property will be specially benefited by the roadway improvements establishing the method of assessing the cost of the improvements against the real property that will be specially benefited thereby; establishing other terms and conditions of the assessments approving the assessment roll; imposing assessments upon all tax parcels described in the assessment roll; providing the method of collection ratifying and confirming the initial assessment resolution; directing recorded notice of the assessments; providing for severability; providing penalties for violation hereof; and providing an effective date. (ADMINISTRATION)

POSTPONED UNTIL MAY 22, 2018.

- 3C.** Second reading and public hearing of proposed ordinance waiving competitive bidding and granting an exclusive franchise to World Waste Recycling, Inc., a Florida corporation, for the collection of residential recyclable materials, for a term beginning upon execution of the exclusive franchise agreement by the parties and ending on September 30, 2019, with an automatic renewal term beginning on October 1, 2019 and ending on September 30, 2023, and subsequent renewals at the option of the parties, for a term of one year each, with a cumulative duration of all subsequent renewals, after the first renewal term, not to exceed a total of five years; approving the terms of the exclusive franchise in substantial conformity with the agreement attached hereto and made a part hereof as appendix 1, including the uniform rates for standard collection services and rate adjustments; authorizing the Mayor and the City Clerk, as attesting witness, to execute the exclusive franchise agreement on behalf of the City; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violations hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)

- 3D.** Second reading and public of proposed ordinance amending Chapter 2 entitled "Administration" of the Code of Ordinances, Article V. entitled "Finance", Division 2. entitled "Fees and Charges", and in particular repealing Section 2-873 "Property Lien Services" in its entirety and adopting a new Section 2-873 "Property Research Services" to provide for a schedule of fees for services involving the research of code enforcement violations, liens and preparation of pay-off or estoppel letters and partial releases; repealing paragraph (d) of Section 2-871 as duplicious and renumbering all remaining paragraphs to conform; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date.

(ADMINISTRATION)

3E. Second reading and public hearing of proposed ordinance approving the release of a declaration of use at **1200 E. 10th Avenue, Hialeah, Florida 33010** (Folio No. 04-3117-004-0360), comprising Lot 14 of Block 23 of Section four Sun-Tan Village, as shown on the plat thereof recorded in Plat Book 50, Page 24 of the Official Records Of Miami-Dade County, Florida; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violations hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)

3F. First reading of proposed ordinance amending Chapter 98, “Zoning”, Article VI, entitled “Supplementary District Regulations”, Division 5 entitled “Uses”, Subdivision VIII, entitled “Assisted Living Facilities” §§ 98-1956 and 98-1957, to require compliance with the distance separation in Sections §§ 98-1989 and 98-1990 as applicable; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; providing for inclusion in code; and providing for an effective date. (ADMINISTRATION)

4. BOARD APPOINTMENTS

4A. Proposed resolution reappointing **Annie Reatha Johnson** to the Historic Preservation Board of the City of Hialeah for a three (3)-year term ending on June 22, 2021.
(MAYOR HERNANDEZ)

4B. Proposed resolution reappointing **Paulino R. Pantoja** to the Historic Preservation Board of the City of Hialeah for a three (3)-year term ending on June 22, 2021.
(MAYOR HERNANDEZ)

4C. Proposed resolution reappointing **John Ulloa** to the Historic Preservation Board of the City of Hialeah for a three (3)-year term ending on June 22, 2021.
(MAYOR HERNANDEZ)

5. UNFINISHED BUSINESS

6. NEW BUSINESS

7. COMMENTS AND QUESTIONS

ZONING

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item

Attention Applicants:

- Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

PZ 1. Second reading and public hearing of proposed ordinance rezoning property from M-1 (Industrial District) to C-2 (Liberal Retail Commercial District); and granting a variance permit to allow a street side setback of 9.3 feet, where 10 feet are required; and allow a pervious area of 12.9%, where 18% is required; all contra to Hialeah Code of Ordinance § 98-2088 and the latest edition of the Hialeah Landscape Manual dated July 9, 2015 paragraph (E) tree and lawn requirements by zoning classification, table A; **Property located at 3665 West 18th Avenue, Hialeah, Florida**; repealing all ordinance in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved on first reading by the City Council on May 8, 2018.</i>
<i>Item was approved by the Planning and Zoning Board on April 25, 2018.</i>
<i>Planner's Recommendation: Approval</i>
<i>Owner of the Property: Richard W. Ogden, Hialeah Speedway LLC, 9769 South Dixie Hwy, Suite 201, Pinecrest, Florida. 33156.</i>

PZ 2. Second reading and public hearing of proposed ordinance granting a variance permit pursuant to Hialeah Code of Ordinances § 98-2233 partially waiving the minimum landscape requirements for proposed industrial warehouse uses on condition that 1,918 trees, and 19,800 shrubs are provided on the adjacent 30 acres of land maintained as a City Park; **Property located within the Hialeah Heights Annexation area bounded on the West by NW 107 Avenue, on the North by NW 170 Street, on the East by NW 97 Avenue, and on the South by NW 154 Street**; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *(Applicant: FDG Beacon Countyline, LLC, 2855 South Le Jeune Rd, 4th Floor, Coral Gables, Florida, 33134)*

<i>Item was approved on first reading by the City Council on May 8, 2018.</i>
<i>Item was approved by the Planning and Zoning Board on April 25, 2018.</i>
<i>Planner's Recommendation: Approval</i>
<i>Registered Lobbyist: Guillermo Cuadra, Esq. 3250 N.E 1st Avenue, Suite 334, Miami, Florida 33137.</i>
<i>Owner of the Property: Countyline Buildings 1,2,3, Countyline, I, 2 LLC, FDG Countyline LLC, and FDG BN Expansion LLC, 2855 South Le Jeune Rd, 4th Floor, Coral Gables, Florida. 33134.</i>

PZ 3. ~~Recommendation of denial by the City of Hialeah Planning and Zoning Board to rezone from C-1 (Restricted Retail Commercial District) to R-2 (One and Two Family Residential District) and variance permit to allow the construction of a duplex in a substandard lot with frontage of 40 feet, depth of 88 feet and area of 3,520 square feet where frontage of 75 feet, depth of 100 feet and 7,500 square feet are the minimum dimensions required; allow east interior side setback of 5 feet, where 7.5 feet is the minimum required; allow front and rear setback of 20 feet, where 25 feet is the minimum required; allow street side setback of 10 feet, where 15 feet is the minimum required, and allow a lot coverage of 32.1% where 30% is the maximum allowed. **Property located at 5XX West 24th Street, Hialeah, Zoned C-1 (Restricted Retail Commercial District).** (Applicant: Gilberto Aguila, 5XX West 24th Street, Hialeah, Florida 33016).~~
WITHDRAWN.

<i>Per the applicants written request the item has been withdrawn from the agenda.</i>
<i>On May 8, 2018 the item was postponed by the City Council until May 22, 2018.</i>
<i>Item was denied the Planning and Zoning Board on April 25, 2018.</i>
<i>Planner's Recommendation: Denial</i>
<i>Owner of the Property: Gilberto Aguila, 5XX West 24th Street, Hialeah, Florida. 33016</i>

PZ 4. First reading of proposed ordinance vacating and abandoning for public use all of the 12 foot alley lying in Block 8E (Plat Book 9-11), bounded on the East by the East line of said Block 8E and bounded on the West by the West line of lot 23 prolonged until it intersects with the West line of lot 11, located on the Eastern portion of the block bounded by East 9th Street to the South, East 5th Avenue to the East, East 10th Street to the North and East 4th Avenue to the West, Hialeah, Florida, and more particularly described

in the legal description and location sketch attached hereto and made a part hereof as Exhibit “A”; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved by the Planning and Zoning Board on May 9, 2018.</i>
<i>Planner’s Recommendation: Approval with Conditions.</i>
<i>Owner of the Property: Neliber Garcia Gonzalez, 04-3117-011-1300, Gonzalo Martin & W Aleida, 04-3117-011-1290, Isabel Fernandez, 04-3117-011-1280, Silverio Reyes & Alina C Lopez, 04-3117-011-1271, Torre Victoria, LLC, 04-3117-1310, 04-3117-011-1320, 04-3117-011-1330 and 04-3117-011-1340.</i>

PZ 5. First reading of proposed ordinance granting a conditional use permit (CUP) pursuant to Hialeah Code of Ordinances § 98-181 to allow the restaurant located within the artist live/work overlay (ALWOD) district to sell, offer for sale, deliver, and serve or permit the consumption of alcoholic beverages; property zoned M-1 (Industrial District); **Property located at 1000 East 16 Street, Hialeah, Florida;** repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved by the Planning and Zoning Board on May 9, 2018.</i>
<i>Planner’s Recommendation: Approval.</i>
<i>Registered Lobbyist: Valerie Haber, 333 SE 2 Avenue, Miami, FL. 33131</i>
<i>Owner of the Property: Kirk Lazarus, Manager- 1501 East 10th Avenue, Hialeah, FL 33010</i>

PZ 6. First reading of proposed ordinance approving a final plat of Adis Subdivision; accepting all dedication of avenues, streets, roads or other public ways, together with all existing and future planting of trees; repealing all ordinance or parts of ordinance in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **Property located at 491 East 11th Street, Hialeah, Florida.**

<i>Item was approved by the Planning and Zoning Board on May 9, 2018.</i>
<i>Owner of the Property: Bernardino N. Rodriguez and Adis Rodriguez, 491 East 11th Street, Hialeah, Florida.</i>

PZ 7. First reading of proposed ordinance approving a final plat of Amelia Mixed Use Development; accepting all dedication of avenues, streets, roads or other public ways, together with all existing and future planting of trees; repealing all ordinance or parts of ordinance in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **Property located at 7755 West 4th Avenue (Red Road) Hialeah, Florida.**

<i>Item was approved by the Planning and Zoning Board on May 9, 2018.</i>
<i>Owner of the Property: Hialeah 7 65 LLC, 7755 West 4th Avenue, Hialeah, Florida 33014.</i>

NEXT CITY COUNCIL MEETING: Tuesday, June 12, 2018 at 7:00 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, August 28, 2018 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).